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DEC 29 2004

OFFICE OF PETITIONS

In re Application of
Tim Forrester, Jorge Fabrega-Sanchez, and
Gregory Poilasne
Application No. 10/806,763
Filed: March 22, 2004
Attorney Docket No. UP1 00116
Title: SYSTEMS AND METHODS FOR
CONTROLLING OUTPUT POWER IN A
COMMUNICATION DEVICE

DECISION ON RENEWED PETITION
UNDER 37 C.F.R. §1.47(A)

This is in response to the renewed petition under 37 C.F.R. §1.47(a)¹, filed November 12, 2004.

On March 22, 2004, the application was deposited without an executed declaration, identifying Tim Forrester, Jorge Fabrega-Sanchez, and Gregory Poilasne as joint inventors. On June 8, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with 37 C.F.R. §1.63, as well as the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
 - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

With the original petition, submitted on August 12, 2004, Petitioner submitted the petition fee and surcharge, a declaration which has been executed by the latter two joint inventors, and a copy of a letter which was purportedly sent to the non-signing joint inventor.

The original petition was dismissed via the mailing of a decision on September 14, 2004 for failure to establish the final three requirements above.

With this renewed petition, Petitioner has supplied further information and documentation such that these three requirements have been met.

As such, the renewed petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to Technology Center 2800 for further processing.

The Power of Attorney has been updated and made of record.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office



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LETTER

Dear Mr. Forrester:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Paul Shanowski
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Office of Petitions
United States Patent and Trademark Office

cc: KYOCERA WIRELESS CORP.
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